UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,078	06/14/2001	Mike Burns	024051-0150	3806

22428 7590 11/17/2005	EXAMINER
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007	NGUYEN, NGA B

	ART UNIT	PAPER NUMBER
	3628	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/880,078	BURNS ET AL.
	Examiner	Art Unit	
	Nga B. Nguyen	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2005 and 08 November 2004.</u>
2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>55-121</u> is/are pending in the application.
    4a) Of the above claim(s) <u>90-108</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>55-89 and 109-121</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/23/05.*
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Election file on March 1, 2005 and the

Amendment filed on November 8, 2004, which papers have been placed of record in the

file.

2.   Claims 55-89 and 109-121 are elected for consideration.

Response to Arguments/Amendment

3.   Applicant's arguments with respect to claims 55-89 and 109-121 have been

considered but are moot in view of new grounds of rejection.

4.   Applicant's amendment necessitated the new grounds of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 55-89 and 109-121 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Buist, U.S. Patent No. 6,408,282.

Regarding to claim 55, Buist discloses a computer-based method for processing

and displaying market data associated with a trading strategy involving at least two

commodities being traded electronically on at least one electronic exchange, the

method comprising:

receiving a first market data feed corresponding to a first commodity from at least

one electronic exchange, wherein the first market data feed comprises price information

for the first commodity (figure 13, e.g. IBM stock);

receiving a second market data feed corresponding to a second commodity from

at least one electronic exchange, wherein the second market data feed comprises price

information for the second commodity (figure 13, e.g. AOL stock);

displaying a price axis corresponding to a plurality of prices representing the

trading strategy (figure 13, e.g. the price axis for IBM stock or the price axis for AOL

stock);

dynamically displaying a first indicator at a first area in relation to a first price level on the price axis, the first indicator being associated with a highest bid price currently available to buy according to the trading strategy (figure 3, item 1330 and column 15, lines 1-5, the spread of DELL stock); and

dynamically displaying a second indicator at a second area in relation to a second price level on the price axis, the second indicator being associated with a lowest ask price currently available to sell according to the trading strategy (figure 3, item 1330 and column 15, lines 1-5, the spread of DELL stock).

Buist does not disclose wherein the plurality of prices representing the trading strategy are calculated using the price information from the first market data feed and the second market data feed. However, it is well known in the art to display the plurality of prices calculated based on two stocks in the same axis, and this is a design choice. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Buist's to adopt the well known and design choice feature above for the purpose of providing more easier to the user to view the prices differences between two stocks in order to make investment decision.

Regarding to claim 56, Buist further discloses a computer readable medium having stored therein instructions to execute the method of claim 55 (column 37, lines 15-47, software having instructions to execute the method of Buist).

Regarding to claim 57, Buist further discloses wherein the first indicator moves relative to the price axis to a location in relation to another price level on the price axis

when the highest bid price changes (figure 3, item 1330 and column 15, lines 1-5, the spread of DELL stock).

Regarding to claim 58, Buist further discloses wherein the second indicator moves relative to the price axis to a location in relation to another price level on the price axis when the lowest ask price changes (figure 3, item 1330 and column 15, lines 1-5, the spread of DELL stock).

Regarding to claim 59, Buist further discloses wherein the plurality of prices corresponding to the price axis do not move in response to a change in either the highest bid price currently available to buy or the lowest ask price currently available to sell according to the trading strategy (see figure 13).

Regarding to claim 60, Buist does not disclose wherein the plurality of prices representing the trading strategy are generated based on the price information of the first commodity and the second commodity (see the same explanation in claim 55 above).

Regarding to claim 61, Buist further discloses further comprising: displaying the plurality of calculated prices representing the trading strategy along the price axis (see figure 13).

Regarding to claim 62, Buist further discloses calculating a bid quantity associated with the highest bid price currently available to buy according to the trading strategy; and calculating an ask quantity associated with the lowest ask price currently available to sell according to the trading strategy (see figure 6).

Regarding to claim 63, Buist further discloses wherein the first indicator represents

the bid quantity associated with the highest bid price currently available to buy

according to the trading strategy, and wherein the second indicator represents the ask

quantity associated with the lowest ask price currently available to sell according to the

trading strategy (see figure 6).

Regarding to claim 64, Buist further discloses calculating a plurality of bid and ask

quantities associated with price levels other than the highest bid price and the lowest

ask price for the trading strategy; and dynamically displaying a plurality of indicators in

relation to price levels on the price axis, each of the plurality of indicators representing

one of the plurality of order quantities determined for the trading strategy (see figures 6

and 57C, displaying market data for multiple stocks at the same time).

Regarding to claim 65, Buist further discloses selecting the first commodity and

the second commodity to trade as legs of the trading strategy (see figures 6 and 57C,

displaying market data for multiple stocks at the same time).

Regarding to claim 66, Buist further discloses designating the first tradeable

object as an anchor commodity of the trading strategy; and designating the second

tradeable object as a non-anchor commodity of the trading strategy (column 15, lines

15-18).

Regarding to claim 67, Buist further discloses displaying market data representing

the first commodity along a second axis; and displaying market data representing the

second commodity along a third axis (see figure 13).

Regarding to claim 68, Buist further discloses wherein the second axis comprises a second axis of static prices that displays a plurality of price levels for the first commodity, and wherein the third axis comprises a third axis of static prices that displays a plurality of price levels for the second commodity (see figure 13).

Regarding to claim 69, Buist further discloses displaying a first price level indicator in relation to one of the plurality of price levels along the second axis, wherein the first price level indicator can be used in determining a price to buy or sell the first commodity according to the trading strategy (see figure 13).

Regarding to claim 70, Buist further discloses displaying a second price level indicator in relation to one of the plurality of price levels along the third axis, wherein the second price level indicator can be used in determining a price to sell or buy the second commodity according to the trading strategy (see figure 13).

Regarding to claim 71, Buist further discloses wherein the second price level indicator is based on the first price level indicator (see figure 13).

Regarding to claim 72, Buist further discloses automatically moving the second price level indicator in relation to the second axis to a location in relation to another price level in response to a change of the first price level indicator (see figure 13).

Regarding to claim 73, Buist further discloses displaying a third price level indicator in the display of market data representing the second commodity, the third price level indicator and the second price level indicator representing a range of prices to buy or sell the second commodity according to the trading strategy (see figure 13).

Regarding to claim 74, Buist further discloses wherein the third price level

indicator is based on the first price level indicator (see figure 13).

Regarding to claim 75, Buist further discloses automatically moving the third

price level indicator in relation to the third axis to a location in relation to another price

level in response to a change of the first price level indicator (see figure 13).

Regarding to claim 76, Buist further discloses wherein the price axis is static

(see figure 13).

Regarding to claim 77, Buist further discloses wherein the trading strategy

comprises a spread (see figure 13).

Claims 78-108 contain similar limitations found in claims 55-77 above, therefore

are rejected by the same rationale.

Claims 109-121 are written in means that contain similar limitations found in

claims 55-77 above, therefore are rejected by the same rationale. Moreover, Buist

further discloses an interface for receiving first and second market data, a screen for

displaying a price axis, a processor for calculating the plurality of prices, and a user

input device for sending an order (see figure 1 and column 6, line 62-column 8, line 47).

Conclusion
7.   Claims **55-89 and 109-121** are rejected.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to examiner Nga B. Nguyen whose telephone number is

(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

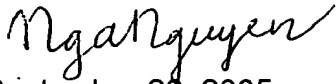(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

September 29, 2005